

1 WILDE & ASSOCIATES

Gregory L. Wilde, Esq.

2 Nevada Bar No. 004417

3 208 South Jones Boulevard

Las Vegas, Nevada 89107

4 Telephone: 702 258-8200

Fax: 702 258-8787

5 and

MARK S. BOSCO, ESQ.

6 Arizona Bar No. 010167

7 TIFFANY & BOSCO, P.A.

2525 East Camelback Road, Suite 300

8 Phoenix, Arizona 85016

Telephone: (602) 255-6000

9 U.S. Bank, National Association, as Trustee for CMLTI Asset-Backed Pass-Through Certificates,  
10 Series 2007-AMC3

11 09-71763

12 UNITED STATES BANKRUPTCY COURT

13 SOUTHERN DISTRICT OF NEVADA

14 In Re:

09-33736-lbr

16 Hylander Education LLC

MS Motion No.

Date:

Time:

Chapter 11

18 Debtor

19  
20 DECLARATION RE BREACH OF CONDITION

21 STATE OF Texas )

)ss.

22 COUNTY OF Harris Clark )

23 I, Lalwonda Wilson declare and state:

24 1. As to the following facts, I know them to be true of my personal knowledge, and if called  
25 upon to testify in this action, I could and would testify competently thereto.

26 2. I am an employee of Litton Loan Servicing LP, servicer for U.S. Bank, National Association, as Trustee for CMLTI Asset-Backed Pass-Through Certificates, Series 2007-AMC3, Secured Creditor herein, and am most familiar with the loan and the ongoing litigation.

3. The real property subject to the Trust Decd is commonly described as 3667 West Badura Ave. , Las Vegas, NV 89118 and legally described as follows:

EXHIBIT "A"

All that certain real property situated in the County of Clark, State of Nevada, described as follows:

Parcel I:

That portion of Government Lot Ninety-Five (95) in Section 5, Township 22 South, Range 61 East, M.D.M, according to the Official Plat of said land on file in the Office of the Bureau of Land Management, Clark County, Nevada and being more particularly described as follows:

Lot One (1) as shown by map thereof in File 71 of Parcel Maps, Page 80, In The Office of the County Recorder of Clark County, Nevada.

Parcel II:

A non-exclusive easement for ingress and egress and incidental purposes thereto over and across those portions of Lot One (1) as shown by map thereof on file 10 of Parcel Maps, Page 33, and Lot Two (2) as shown by map thereof in file 71 of Parcel Maps, Page 80 lying within the private street In The Office of the County Recorder of Clark County, Nevada.

4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of which is attached hereto and marked as Exhibit "A" and incorporated herein by this reference, and am representing my personal knowledge as to whether the Debtor have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtor would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup> day, Debtor has failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtor has not made the payments as required by the aforementioned Order. The Debtor is presently past due as follows:

1 Monthly Payments at \$3,559.64 (June 1, 2010)	\$3,559.64
1 Monthly Payments at \$3,559.63 (July 1, 2010)	\$3,559.63
1 Adequate Protection Payment (June 20, 2010)	\$3,065.70
Accrued Late Fees	\$194.84
Total	\$10,379.81

1  
2 7. Debtor is responsible for the subsequent payments that will come due during this Breach  
3 period:

- 4 a. 1 Monthly Payment at \$3,559.64  
5 b. 1 Stipulated Payment at \$3,065.70

6 **PARTIAL TENDERS WILL NOT BE ACCEPTED**

7 8. Due to Debtor's failure to timely and properly comply with the Order as set forth  
8 hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the  
9 Stay Order to take possession of its real property.

10 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance  
11 and are now owing to Secured Creditor from Debtor pursuant to the Trust Deed.

12 10. Should the Debtor cure the default, the Debtor must forward the funds to:

13 **GREGORY L. WILDE, ESQ.**  
14 **WILDE & ASSOCIATES**  
15 **212 South Jones Boulevard**  
16 **Las Vegas, Nevada 89107**

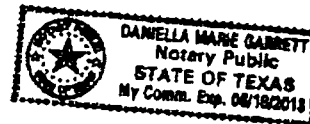
17 I declare under penalty of perjury that the foregoing is true and correct.

18 *La Wonda Wilson*

19  
20 SUBSCRIBED and SWORN to before me  
21 this 16 day of July, 2010

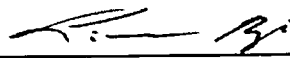
22 *Daniella Marie Garrett*

23 Notary Public in and for said  
24 State and County  
25  
26





Entered on Docket  
June 14, 2010

  
Hon. Linda B. Riegler  
United States Bankruptcy Judge

**WILDE & ASSOCIATES**

Gregory L. Wilde, Esq.

Nevada Bar No. 004417

212 South Jones Boulevard

Las Vegas, Nevada 89107

Telephone: 702 258-8200

Fax: 702 258-8787

U.S. Bank, National Association, as Trustee for CMLTI Asset-Backed Pass-Through  
Certificates, Series 2007-AMC3

09-71763

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Hylander Education LLC

Debtor.

BK-S-09-33736-lbr

MS Motion No. 36

Date: April 28, 2010

Time: 1:30 p.m.

Chapter 11

**ORDER RE ADEQUATE PROTECTION**

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing  
in the above-entitled Court, all appearances as noted on court record, and based upon all the  
papers and pleadings on file herein and good cause appearing therefore,

EXHIBIT "A"

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the  
2 post-petition arrearages currently due as follows:

3 3 Monthly Payments at \$3,458.30	\$10,374.90
(January 1, 2010 - March 1, 2010)	
4 2 Monthly Payments at \$3,559.64	\$7,119.28
(April 1, 2010 - May 1, 2010)	
5 Motion for Relief Filing Fee	\$150.00
6 Attorneys Fees	\$750.00
Total	\$18,394.18

7 The total arrearage shall be paid in six monthly installments. Payments one  
8 through five (1-5) in the amount of \$3,065.70 shall be in addition to the regular monthly payment  
9 and shall be due on or before the 20th day of the month commencing with the June 20, 2010  
10 payment and continuing throughout and concluding on or before October 20, 2010. The sixth  
11 final payment in the amount of \$3,065.68 shall be paid on or before November 20, 2010.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor  
13 shall give Debtor at least five business days' notice of the time, place and date of sale.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume  
15 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,  
16 beginning with the June 1, 2010 payment, on Secured Creditor's Trust obligation, encumbering the  
17 subject Property, generally described as 3667 West Badura Ave. , Las Vegas, NV 89118, and  
18 legally described as follows:

19 All that certain real property situated in the County of Clark, State of Nevada,  
20 described as follows:

21 Parcel I:

22 That portion of Government Lot Ninety-Five (95) in Section 5, Township 22 South, Range  
23 61 East, M.D.M, according to the Official Plat of said land on file in the Office of the  
24 Bureau of Land Management, Clark County, Nevada and being more particularly described  
as follows:

25 Lot One (1) as shown by map thereof in File 71 of Parcel Maps, Page 80, In The Office of  
the County Recorder of Clark County, Nevada.

26 Parcel II:

A non-exclusive easement for ingress and egress and incidental purposes thereto over and  
across those portions of Lot One (1) as shown by map thereof on file 10 of Parcel t-laps,  
Page 33, and Lot Two (2) as shown by map thereof in file 71 of Parcel Maps , Page 80  
lying within the private street In The Office of the County Recorder of Clark County,  
Nevada.

1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make  
2 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured  
3 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file  
4 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of  
5 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an  
6 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth  
7 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this  
8 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may  
9 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable  
10 State Law, and take any action necessary to obtain complete possession thereof.  
11

12 Submitted by:

13 WILDE & ASSOCIATES  
14

15 By

16 **GREGORY L. WILDE, ESQ.**  
17 Attorneys for Secured Creditor  
18 212 South Jones Boulevard  
Las Vegas, Nevada 89107

19 APPROVED AS TO FORM & CONTENT:

20 U.S. Trustee - LV - 11

21 By

N/A

22 U.S. Trustee - LV - 11  
23 Chapter 13 Trustee  
24 300 Las Vegas Boulevard S.  
Las Vegas, NV 89101

C. Andrew Wariner

By

C. Andrew Wariner  
Attorney for Debtors  
823 South Las Vegas Blvd  
Las Vegas, NV 89101

25 Nevada Bar No. \_\_\_\_\_  
26

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17 ☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
20 respond, as indicated below.

21 Debtor's counsel:

22 ☒ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☒ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

1 WILDE & ASSOCIATES

2 Gregory L. Wilde, Esq.

3 Nevada Bar No. 004417

4 208 South Jones Boulevard

5 Las Vegas, Nevada 89107

6 Telephone: 702 258-8200

7 Fax: 702 258-8787

8 and

9 MARK S. BOSCO, ESQ.

10 Arizona Bar No. 010167

11 TIFFANY & BOSCO, P.A.

12 2525 East Camelback Road, Suite 300

13 Phoenix, Arizona 85016

14 Telephone (602) 255-6000

15 U.S. Bank, National Association, as Trustee for CMLTI Asset-Backed Pass-Through Certificates,  
16 Series 2007-AMC3

17 09-71763

18 UNITED STATES BANKRUPTCY COURT

19 SOUTHERN DISTRICT OF NEVADA

20 In Re:

09-33736-lbr

21 Hylander Education LLC

MS Motion No.

Date:

Time:

Chapter 11

22 Debtor.

23 **CERTIFICATE OF MAILING OF**  
24 **DECLARATION RE BREACH OF CONDITION**

25 1. On JULY 23, 2010 I served the following document(s):

26 DECLARATION RE BREACH OF CONDITION

2. I served the above-named document(s) by the following means to the persons as listed below:

X a. ECF System



1 C. Andrew Wariner  
2 awariner@hotmail.com  
3 Attorney for Debtor

4 **X b. United States mail, postage fully prepaid:**

5 Hylander Education LLC  
6 2830 South Jones # 1  
7 Las Vegas, NV 89146  
8 Debtors

9 ☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

10 I personally delivered the document(s) to the persons at these addresses:

11 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
12 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
13 by leaving the document(s) in a conspicuous place in the office.

14 N/A

15 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
16 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
17 of suitable age and discretion residing there.

18 N/A

19 ☐ **d. By direct mail (as opposed to through the ECF System)**

20 *(List persons and email addresses. Attach additional paper if necessary)*

21 Based upon the written assignment of the parties to accept service by email or a court order. I  
22 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
23 receive, within a reasonable time after the transmission, any electronic message or other  
24 indication that the transmission was unsuccessful.

25 ☐ **e. By fax transmission** (List persons and fax numbers. Attach additional paper if necessary)

26 Based upon the written assignment of the parties to accept service by fax transmission or  
a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
was reported by the fax machine that I used. A copy of the record of the fax transmission is  
attached.

1           ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*  
2

3                       I served the document(s) by placing them in an envelope or package addressed to the  
4                       persons at the addresses listed below and providing them to a messenger for service.  
5                       *( A declaration by the messenger must be attached to this Certificate of Service).*  
6

7                       **I declare under penalty of perjury that the foregoing is true and correct.**  
8

9           Signed on : 7/23/10 *Jamie Miller*  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26